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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO.2521/1995

BETWEEN:

Nagaraj Narasinga Rao

S/o Sri.H.L.Narasinga Rao,

aged about 44 years,

R/at No.61, South Cross

Road, Basavanagudi,

Bangalore - 4.

... Petitioner.

(By Sri.N.K.Gupta for Petr.)

AND:

1. The Corprn. of City of Bangalore,

Corprn. Offices, Bangalore,

rep. by its Commissioner.

2. The Asst. Executive Engineer,

(HGN Divn.), Hombegowda Nagara

Corprn. Offices, Bangalore. ... Respondents.

(By Sri.B.P.Puttasiddaiah & Sri.V.A.Gnanasekar
for Respdts.)

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24/11

This Writ Petition filed under Articles 226
& 227 of the Constitution of India with an affi-
davit praying to: Quash the dated 11-11-94 vide

... 2/-

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Annexure-G and dated 13-1-95 vide Annexure-J and etc.

This Writ Petition coming on for final disposal this day, the Court made the following:

O R D E R

The petitioner has filed this petition challenging the order passed by the Corporation under Sec.321(1)(2) and (3) of the KMC Act. In the order passed under Sec.321(3) of the Act, the Corporation has not specified the extent of deviation in construction put up by the petitioner contrary to the approved plan. If that is so, the authority has not applied its mind while passing this order.

Accordingly, writ petition is allowed. The impugned order dated 13-1-1995 (Annexure-J) is quashed and the matter is remitted to the Corporation to consider the matter afresh after notice to the petitioner pursuant to the provisional order passed u/s.321(1)(2) of the Act.

Sd/- Judge.

bsr(o.s.)

r.by: 20/8/98

c.by: 20/8/98

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

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